

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, *et al.*,
individually and on behalf of a class of all others
similarly situated,

Plaintiffs,

v.

CITY OF BUFFALO, N.Y., *et al.*,

Defendants.

No. 1:18-cv-00719-CCR

STIPULATED MOTION TO MODIFY THE SCHEDULING ORDER

The Parties respectfully move to amend the scheduling order to extend the fact discovery deadline by 45 days and subsequent deadlines by approximately 30 days, and to set dates for the depositions of certain witnesses.

The Parties propose to extend the deadlines in the scheduling order as follows:

Deadline	Current Date	Modified Date
Completion of fact discovery	September 15, 2023	October 30, 2023
Motion to compel discovery	September 15, 2023	October 30, 2023
Class certification motion	October 11, 2023	November 10, 2023
Service of initial expert reports	October 25, 2023	December 6, 2023
Service of rebuttal expert reports	November 24, 2023	January 5, 2024
Completion of all expert discovery	December 22, 2023	January 26, 2024
Dispositive Motions	January 24, 2024	February 23, 2024

Defendants shall make good faith efforts to produce witnesses in accordance with the schedule listed below. Should a witness be unavailable on the date listed, Defendants will propose, at the time they notify Plaintiffs of the witness's unavailability, a different date or dates within the

current discovery schedule when the witness is available, and the Parties shall work collaboratively to reschedule the deposition to the nearest available date for both the witness and the Parties.

Witness	Date
Harold McClellan (continued)	September 11
Joseph Gramaglia	September 20
Charles Palmer	September 14
Octavio Villegas as a City of Buffalo 30(b)(6) designee	September 25
Robert Rosenswie	September 27
Charles Miller (continued)	October 6
Daniel Derenda as a City of Buffalo 30(b)(6) designee	October 23
Patrick Humiston as a City of Buffalo 30(b)(6) designee	October 25
Mayor Byron Brown	October 27

In support of this Motion, the Parties state:

1. Under the present schedule, the deadline for completion of fact discovery and any accompanying motion to compel is September 15, 2023. The Court has set additional deadlines, leading to a dispositive motion deadline of January 24, 2023.
2. The Parties have made substantial progress on both document discovery and depositions since their last extension request. With respect to document discovery, Defendants have produced additional documents in response to Plaintiffs' requests that they correct deficiencies and update and supplement their prior productions. The Parties continue to meet and confer regarding Defendants' document productions.
3. With respect to depositions, the Parties conducted the deposition of Justin Tedesco on July 11, the deposition of Donna Estrich on July 12, the deposition of Jared Damaracki on July 18, the deposition of Richard Hy on July 19, the deposition of Michael Healy on July 28, the deposition of Byron Lockwood on August 10 and 17, the deposition Michael Acquino on September 5, and the deposition of Plaintiff Shaketa Redden on September 6.

4. The Parties are working together to complete discovery as expeditiously as possible. Given the complex nature of the claims and defenses, and given the breadth of witnesses who need to testify, however, the Parties require additional time to complete discovery. The Parties believe that an additional extension of 45 days may be sufficient in order for the Parties to complete fact discovery in this matter.

5. Additional time is also needed to accommodate the availability of deposition witnesses. In particular, Defendants' counsel has advised that Mayor Brown is not available until late October due to his official duties and that former Commissioner Derenda, who will serve as one of the City of Buffalo's Rule 30(b)(6) designees, is not available for deposition until after the current deadline for the close of fact discovery.

6. Accordingly, the Parties respectfully request the modifications set forth above.

7. The Parties thank the Court in advance for its consideration of this request.

WHEREFORE, the Parties respectfully request that the Court modify the schedule as proposed.

Dated: September 8, 2023

Respectfully Submitted,

/s/ Peter A. Sahasrabudhe

Hugh M. Russ III
Peter A. Sahasrabudhe
HODGSON RUSS LLP
The Guaranty Building
140 Pearl Street – Suite 100
Buffalo, New York 14202
Telephone: (716) 856-4000
hruss@hodgsonruss.com
pshasra@hodgsonruss.com

Attorneys for Defendants

/s/Jordan Joachim

Jordan Joachim (*pro hac vice*)
Christine Nelson (*pro hac vice*)
COVINGTON & BURLING LLP
620 Eighth Avenue
New York, NY 10018
212-841-1000
jjoachim@cov.com
cnelson@cov.com

Claudia Wilner
Edward Krugman
Anjana Malhotra
NATIONAL CENTER FOR LAW
AND ECONOMIC JUSTICE
275 Seventh Avenue, Suite 1506
New York, NY 10001
212-633-6967
wilner@nclcj.org
krugman@nclcj.org
malhotra@nclcj.org

Keisha Williams
WESTERN NEW YORK LAW
CENTER
Cathedral Park Tower
37 Franklin Street, Suite 210
Buffalo, NY 14202
716-828-8415
kwilliams@wnylc.com

Chinyere Ezie
CENTER FOR CONSTITUTIONAL
RIGHTS
666 Broadway, 7th Floor
New York, NY 10012
212-614-6475
cezie@ccrjustice.org

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2023, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Western District's Local Rules, and/or the Western District's Case Filing Rules & Instructions upon all counsel registered through the ECF System.

/s/ Peter A. Sahasrabudhe